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COMMITTEE ON THE RIGHTS OF THE CHILD

Second session

SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 1 October 1992, at 10 a.m.

Chairman: Mrs. BADRAN

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System of documentation and information (continued)

Matters relating to the methods of work of the Committee and the pre-sessional Working Group in respect of the consideration of reports to be submitted by States parties in accordance with article 44 of the Convention, including:

(a) Consideration of the question of technical advice or assistance;

(b) Consideration of the question of an informal technical advisory group (continued)

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GE.92-17713 (E)

The meeting was called to order at 10.25 a.m.

SYSTEM OF DOCUMENTATION AND INFORMATION (agenda item 7) (continued)

MATTERS RELATING TO THE METHODS OF WORK OF THE COMMITTEE AND THE PRE-SESSIONAL WORKING GROUP IN RESPECT OF THE CONSIDERATION OF REPORTS TO BE SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 44 OF THE CONVENTION, INCLUDING:

(a) CONSIDERATION OF THE QUESTION OF TECHNICAL ADVICE OR ASSISTANCE;

(b) CONSIDERATION OF THE QUESTION OF AN INFORMAL TECHNICAL ADVISORY GROUP (agenda item 8) (continued)

1. Mr. SWEPSTON (International Labour Organisation) informed the Committee, before giving the floor to his two colleagues, specialists in major ILO programmes on child labour, that in November 1992 ILO would convene a seminar on slave labour, including child labour, at the request of the Working Group on Contemporary Forms of Slavery. The seminar, which would take place at Islamabad and would involve six countries in Asia, was being organized in collaboration with UNICEF, which would finance the participation of the non-governmental organizations (NGOs), with the Centre for Human Rights, which would arrange for the participation of representatives of the ministries of justice of the countries concerned, and perhaps also with UNESCO.

2. Mrs. DY (International Labour Organisation) said that, although child labour constituted one of ILO's main concerns, it was an illusion to hope that it would soon be eliminated. Consequently, it was advisable first of all to take provisional measures in the education and training sectors, as well as measures to improve working conditions. The main objective of the Interdepartmental Project on the Elimination of Child Labour was to promote an awareness of the problem among policy makers. The Project was therefore paying particular attention to information. In that field the statistics now being used were often a by-product of statistics on the workforce, which concealed certain aspects of the problem. It was therefore important to establish adequate statistical indicators. The various seminars held by ILO in Africa could also be considered part of the information drive. Africa was at a great disadvantage compared with Asia and Latin America, where the problem was being dealt with through a number of activities encouraged by UNICEF in particular. Seminars had therefore been held in Zimbabwe, Senegal and Tanzania, at which the participating countries had drawn up national programmes of action. ILO was also publishing bulletins on child labour in Africa.

3. The Interdepartmental Project was also paying particular attention to the formulation of national policies, especially in Latin America. Training seminars had been organized in collaboration with UNICEF in Argentina, Venezuela, Ecuador and Peru. In addition, a regional seminar on child slave labour had been held in Central America. At the national level, it was important to try to determine the reasons why national laws and regulations on the minimum employment age were not being respected and to identify the obstacles Governments faced in enforcing those laws and regulations.

4. Another objective of the Interdepartmental Project was to make a careful study of the socio-economic consequences of child labour. One argument regularly used by the "advocates" of child labour was that abolishing it might considerably affect the economies of the countries concerned. Although that argument was often greatly exaggerated, it should none the less be borne in mind. In that connection ILO was currently studying glass and carpet manufacturing in India, which depended to a great extent on child workers.

5. The Project was also dealing with the full range of questions relating to basic education and non-structured vocational training adapted to the needs of child workers, to the problems parents might encounter in regard to the education system in different countries, to the availability and quality of education, and to the relationship between the official school-leaving age and the minimum employment age. Studies in that field were being conducted in Egypt and Madagascar, with the collaboration of the Arab Gulf Programme for United Nations Development Organizations (AGFUND). In conclusion, the Project stressed not only respect for the law in matters of child labour but also awareness of the problem and the promotion of supplementary assistance programmes in the fields of access to health care and social security.

6. Mr. GHOSH (International Labour Organisation) explained that the International Programme on the Elimination of Child Labour supplemented the Interdepartmental Project which had just been mentioned. The International Programme had been established thanks to the generosity of certain donor countries, including Germany and Belgium. The ultimate objective was, of course, to eliminate child labour, but initially the main consideration, in more pragmatic terms, was to regulate and humanize it. In many countries it was impossible to eliminate child labour without first of all giving special attention to the improvement of overall economic conditions. The aim of the Programme was to promote an awareness of the problem among Governments, parents and NGOs and, consequently, to develop various information programmes and to encourage Governments to formulate policies and to adopt measures to humanize child labour. The Programme, which was of a long-term nature, sought particularly to prevent children from taking part in hazardous work, to eliminate child slave labour, and to protect the youngest and most vulnerable. It was currently being implemented in six countries: Brazil, India, Indonesia, Kenya, Thailand and Turkey. Since other countries had shown a strong interest, preparatory work had been started with a view to admitting them into the group of participating countries; the countries concerned were Bangladesh, Cameroon, Egypt, Pakistan, Philippines and Tanzania.

7. The administrative structure of the International Programme on the Elimination of Child Labour was centred around an executive committee, which approved the budget, established programme guidelines and evaluated programme results. The executive committee consisted of representatives of donor countries, of some participating countries - the others having observer status - and representatives of employers and workers. Similarly, in each of the six participating countries there was a national executive committee composed of representatives of the various ministries concerned and of workers, trade unions, employers and NGOs. The national executive committees selected the programmes of action to be implemented and evaluated the results. The programmes of action were addressed to governmental and non-governmental organizations, to executing agencies concerned with such matters as the

organization of workshops and the training of labour inspectors, and, of course, to children. Children were divided into four groups: children working in industry, children working in agriculture, children working in the service sector, and street children. In 1992-1993 programmes of action accounted for 90 per cent of the Programme's budget, and the remaining 10 per cent was for preparatory work and technical assistance operations.

8. Finally, it must be emphasized that the International Programme on the Elimination of Child Labour implemented programmes of action only if the country concerned displayed political readiness. In such a case a memorandum of agreement was signed jointly by the Government and by ILO. The memorandum set forth the objectives to be attained, the basic principles to be respected and the areas of cooperation; it also analysed the problems, formulated policies and programmes and set out the arrangements for implementation. In that connection, it should be borne in mind that many programmes were executed by NGOs.

9. The CHAIRMAN thanked the representatives of ILO and said that, in the absence of any objection, the Committee would hear representatives of other specialized agencies and United Nations bodies before starting the general debate, in accordance with the proposal made by Mr. Hammarberg.

10. It was so decided.

11. Mrs. GAMBLE-PAYNE (United Nations Children's Fund) said she welcomed the great importance attached by the Committee to statistical indicators and hoped that the seminar to be held on that topic in December would be a success. UNICEF was at the disposal of members of the Committee who wanted information on UNICEF's evaluation and follow-up methods.

12. UNICEF had been given the green light by its Executive Board to participate actively in the implementation of the Convention on the Rights of the Child and to incorporate its provisions in country programmes. The Executive Board had also requested that studies be made on the rights of the child in both developed and developing countries. A study had just been published on the complementarity of the rights of the child and the rights of women. UNICEF was currently training staff members in the rights of the child, particularly by distributing documents on the Convention to them.

13. In December every year UNICEF published a report on the State of the World's Children, in which members of the Committee would find a great deal of information and statistics on economics, nutrition, health and education. UNICEF had recently published its first regional report entitled "Children of the Americas", which contained much information and was to be followed by other reports on other regions. At the national level UNICEF published, in collaboration with Governments, a document entitled "Country programme recommendations", in which the social, economic and political factors affecting the status of children in the country concerned were analysed. That information enabled UNICEF to establish priorities for its activities. Members of the Committee could also profitably consult the programmes adopted by countries to attain the targets set out in the Plan of Action adopted by the World Summit for Children in September 1990.

14. The International Child Development Centre, which had its headquarters at Florence, Italy, and was co-sponsored by UNICEF and the Italian Government, was a valuable source of information for the Committee. It carried out very comprehensive studies on topics such as the situation of children in an urban environment, the impact of structural adjustment on children, and the complementarity of the rights of the child and the rights of women.

15. At the international level, from time to time UNICEF published studies on specific situations. The latest was on the question of children in armed conflicts and the methods used to evaluate their needs and to organize and coordinate humanitarian aid. UNICEF also published many documents containing a wealth of information, such as the one on children who were the innocent victims of war, in which it was explained that such children needed not only immediate material assistance but also aid in the longer term for their rehabilitation. Furthermore, there being no substitute for experience in the field, UNICEF was at the disposal of members of the Committee who wished to study certain situations on the spot. Lastly, UNICEF was ready to cooperate whenever the Committee considered it useful, particularly for the study of specific topics such as street children or children in armed conflicts.

16. Mr. ZACHARIEV (United Nations Educational, Scientific and Cultural Organization) said that UNESCO's main project for children was entitled "The young child and the family environment", the purpose of which was to ascertain what factors promoted the physical, emotional and intellectual development of the child. UNESCO, in collaboration with other agencies such as UNICEF and WHO, was also participating in the early detection of handicaps in children and the establishment of programmes to rectify them. UNESCO was trying to collect and circulate among interested agencies information on children in the fields of education, culture and the social sciences. It assisted member States in elaborating, applying and evaluating their own programmes on children. It also stressed human resources and training, within the framework of the follow-up to the Jontien Conference on Education for All. In 1992-1993, UNESCO would issue an information bulletin and prepare radio programmes and a brochure on the rights of the child in education and culture. It would collect basic data on five African countries, make a critical study of five others, and publish guides for parents, teachers and community leaders. UNESCO remained at the disposal of the Committee for any information or document it might need.

17. Mr. BONEV (United Nations Development Programme) said that children were the principal beneficiaries of UNDP development aid and technical assistance inasmuch as they represented the majority of the population. UNDP had approximately 120 local offices, whose staff were responsible for ensuring that there was no overlapping among the programmes implemented by various specialized agencies. It cooperated closely with a number of agencies, including UNICEF, UNESCO, ILO and WHO, in the execution of various programmes, some of which might relate particularly to children if the Government of the country concerned so decided.

18. Mr. BELSEY (World Health Organization) said that WHO attached the highest importance to the relationship between mother and child and to the role of the family. It was particularly alive to certain articles of the Convention, such as article 7, which dealt with the right of the child to have a name. In many

societies in which post-natal mortality was extremely high, with some 6 to 10 per cent of children dying in the months following birth, families did not give a name to children, probably as a protective reflex. WHO did not believe that post-natal mortality was inevitable and that eliminating it called for extensive resources, and it was actively engaged in a campaign to ensure that every child was given a name. Article 18 of the Convention, on the joint responsibility of both parents to bring up their child, was also very important.

19. The situation of children living in difficult circumstances was a source of concern to WHO, since such circumstances had detrimental effects on the physical and mental health of children over the short and the long term. Furthermore, children who were the victims of abuses and aggression such as malnutrition and sexual violence would become violent parents reproducing the attitudes which had marked them in their childhood. That vicious circle had to be broken. It should also be remembered that any maltreatment or lack of care weakened a person in every respect and helped to create rifts between individuals within the same society, whose development was thereby arrested.

20. Close cooperation had been initiated among several specialized agencies of the United Nations system in the form of joint committees and many common activities projects. There was, for example, a high-level coordinating committee on maternal and child health and family planning involving UNFPA, WHO and UNICEF, which met at least three times a year and organized information campaigns as well as activities in the field. In addition, WHO maintained close contact with the International Pediatric Association and was working to ensure that instruction in children's rights was included in the training programmes of medical personnel working with children, such as paediatricians and midwives.

21. How could WHO help the Committee on the Rights of the Child? It could make available relevant information documents, having regard in particular to the implementation of article 24 of the Convention, and tell the Committee of its indicators, which were currently being reviewed with the help of UNICEF. In that connection it should be borne in mind that there were no reliable indicators concerning neglected and maltreated children. WHO also had databases on various aspects of child health containing data transmitted by Governments, as well as information drawn from official publications or collected from reports or meetings. For example, the database on maternal health comprised 4,000 separate entries. In addition, WHO was designing tools to evaluate the gap between the material investments made by States and the quality of the services delivered. The Committee should be aware, for instance, that the existence of medical or paramedical structures was not always a guarantee of good-quality care. In short, WHO was concerned with general problems such as AIDS and water supplies which affected children like other persons, but it was also participating, in collaboration with other United Nations agencies and NGOs, in initiatives relating specifically to women and children.

22. The CHAIRMAN thanked the representatives of the specialized agencies for their interesting statements.

23. Mrs. BELEMBAOGO said it was gratifying that the representative of UNESCO had drawn attention to the status of children in the family environment. Although interest was frequently shown in the question of school education, on which it was easy to find statistics, the situation of children in their families was more rarely dealt with and it was not always easy to obtain information on children separated from their parents, maltreated children, under-nourished children and so on, although useful information on the subject could sometimes be obtained from ministries of social affairs. In any case, the status of children in the family should be taken into account by the Committee when it considered reports submitted by States parties.

24. Mr. ZACHARIEV (United Nations Educational, Scientific and Cultural Organization) explained that much work remained to be done on the collection of information in the area mentioned by Mrs. Belembaogo.

25. Mr. HAMMARBERG raised the issue of what kind of cooperation should be established between the Committee and the competent specialized agencies. Article 45 (a) of the Convention on the Rights of the Child stated that the Committee could invite the specialized agencies, UNICEF and other United Nations organs to submit reports to it on the implementation of the Convention in areas falling within the scope of their respective mandates; the inference was that the Committee could request the competent bodies to submit reports either on a particular topic, or on a particular country. Furthermore, article 45 went on, in paragraph (b), to provide that the Committee should transmit, as it might consider appropriate, to the specialized agencies, UNICEF and other competent bodies any reports from States parties that contained a request, or indicated a need, for technical advice or assistance. That provision was perhaps more difficult to interpret, since each State already had a relationship with the bodies in question and duplication should be avoided. Consideration might perhaps be given to an arrangement whereby, after the examination of each report, the Committee met with the representatives of the competent agencies for the purpose of deciding how best to help States which needed assistance. It was essential that the Committee should be not only a policeman pointing his finger at the negative elements but that it should also ensure that there was some follow-up to its consideration of reports. Under article 45 (c) the Committee could recommend to the General Assembly that it request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child; perhaps the Committee could directly request the competent bodies to make such studies, bearing in mind the requirements of confidentiality.

26. The activities of the Committee on the Rights of the Child, which was a treaty monitoring body, and those of international and non-governmental agencies working with children, which were now on the spot, should be complementary and mutually beneficial. The Committee needed concrete information in addition to the information contained in States parties' reports. It would be interesting to know how the representatives of the specialized agencies themselves envisaged their cooperation with the Committee.

27. Mr. SWEPSTON (International Labour Organisation) noted with satisfaction that the specialized agencies were ready to cooperate with the Committee on the Rights of the Child. However, it would be difficult for them to have

their work priorities dictated by the Committee, which should take into account the limits within which the agencies inevitably had to operate. As to Mr. Hammarberg's question on the studies which could be prepared at the Committee's request ILO would be pleased to supply the Committee with information on studies already made, but if the Committee asked it for a study on a specific aspect of child labour for which there was no budgetary provision, ILO would have difficulty in responding to the request.

28. With regard to applications for technical assistance, two cases might arise: either the Committee transmitted to ILO an application for assistance from a State party and ILO assessed whether its budget permitted it to respond, or the Committee decided, when considering a report, that a country needed the assistance of a specialized agency and ILO then dealt with that application within the framework of its country programming cycle. When United Nations treaty bodies considered national reports, ILO's approach was to communicate all the relevant information to those bodies. In addition, ILO would always be ready to participate in meetings of the Committee, both in informal working groups and in plenary. The time factor, however, might also limit cooperation between ILO and the Committee: if the latter were to meet twice a year for eight weeks, there was little chance that it could rely on the presence of an ILO official for the whole of that period.

29. Mr. BELSEY (World Health Organization) said that WHO's programme on children gave priority consideration to the social context in which they lived. WHO was willing to cooperate with the Committee within the limits of its resources, which were even more restricted than those of ILO, since WHO had practically no extrabudgetary funds. In exceptional circumstances trust funds were used to finance priority programmes such as the Global Programme for the Prevention and Control of AIDS and the Expanded Programme on Immunization. There were also certain legal constraints connected with the confidentiality of information: WHO was not always entitled to communicate information and had structured its database accordingly. Nevertheless, when WHO engaged in direct consultations with Governments, it was in a position to pass on messages while safeguarding the confidential nature of the documents. It was therefore essential to establish precisely what the working relations between WHO and the Committee on the Rights of the Child would be and, in particular, the legal modalities of their cooperation.

30. Mrs. GAMBLE-PAYNE (United Nations Children's Fund), responding to Mr. Hammarberg's point about the arrangements for cooperation, said that she shared the views expressed by the representatives of ILO and WHO. Account must be taken of each agency's budget limitations and of the legal considerations attaching to the confidential nature of information. It might be wise to convene a working group to consider the procedures that could be systematically put into place through the secretariat in order to work out an internal work programme and ascertain what resources were required. UNICEF was ready to play its role as an active partner of the Committee and had received the backing of its Executive Board for activities to follow up the implementation of the Convention on the Rights of the Child.

31. Mr. KOLOSOV noted with satisfaction that the specialized agencies were continuing to help Governments to solve problems relating to children, in accordance with the provisions of Convention. Nevertheless, it was

regrettable that the Committee had not yet considered, when drawing up its general guidelines (A/47/41, annex III), the crucial issue raised in the last preambular paragraph of the Convention - namely, the importance of international cooperation in improving the living conditions of children in all countries, in particular developing countries. The Committee should, if possible, alter its general guidelines or prepare special guidelines on that point, so that States could enrich their national reports with such information.

32. Mr. GOMES DA COSTA said that UNICEF was one of the most important agencies involved in the implementation of the Convention. However, he wondered what its position was at the institutional level with regard to articles 37 and 40 of the Convention, which dealt with the question of children in conflict with the law.

33. Mrs. GAMBLE-PAYNE (United Nations Children's Fund) said that UNICEF was working at the national level in close collaboration with Governments and NGOs in order to meet the needs of children in conflict with the law. UNICEF's activities were generally concerned with access to health care and education. However, NGOs and UNICEF were beginning to cooperate at individual country level with regard to the institutional arrangements set forth in the Convention for children in conflict with the law and the training of members of the police and the judiciary. Despite certain misgivings, Governments were showing an increasing interest in that question and in codification of the law, that should be better integrated into UNICEF's ongoing programmes. She would be pleased to provide Mr. Gomes da Costa in due course with supplementary information on the activities UNICEF was undertaking in different countries in connection with children in conflict with the law.

34. Mr. BONEV (United Nations Development Programme), responding to Mr. Kolosov's suggestion about national reports, said UNDP had great experience in that field. For example, on the occasion of the United Nations Conference on Environment and Development held at Rio de Janeiro, it had contributed to the preparation of more than 120 national reports on the environment. UNICEF and other agencies should be in a position to help States parties to prepare reports if requested.

35. Mgr. BAMBAREN GASTELUMENDI noted that the spirit of cooperation taking shape between the specialized agencies and the Committee was gratifying and he hoped that such cooperation would take concrete form despite budget limitations. In connection with the question of child labour, perhaps ILO would explain the exact relationship between the exploitation of children and the increase in poverty. In his opinion, a large number of children were forced to work in order to survive. However, international organizations and Governments merely insisted on the elimination of child labour without tackling the root of the evil, which was poverty.

36. Mr. SWEPSTON (International Labour Organisation) said that poverty was in fact one of the causes of child labour. In rich countries few children worked, a factor that was taken into consideration in ILO's studies on the subject. Poverty was often the cause of violations of human rights; it could not, however, serve as an excuse for them. In that connection, a dual approach was called for: an effort must be made to eliminate the causes of

abuses and at the same time, in the spirit of the Convention, to take measures to prevent abuses from spreading. That was the approach being taken in the preparatory work for the World Conference on Human Rights, which would discuss the fundamental question whether development was a prior condition for respect for human rights or whether it was the other way round.

37. Mrs. EUFEMIO, reverting to a point considered on the previous day - namely, national mechanisms for following up the implementation of the Convention, said it was essential to deal with that question before considering the preparation of reports. It would be helpful if the specialized agencies could provide technical assistance at the national level and participate in following up the implementation of the Convention in respect of the matters that related to them.

38. Mr. BELSEY (World Health Organization) said that WHO could take part in following up the implementation of the Convention only at the express request of a State party and that its contribution could be no more than purely methodological. WHO was in a position to assist the Committee solely with regard to its analytical methods, to enable it to draw conclusions from certain data.

39. Mr. SWEPSTON (International Labour Organisation) noted that the question of confidentiality had been mentioned on several occasions. ILO's position in that respect was slightly different from that of other specialized agencies, since ILO established standards and had a monitoring function. The practice followed with United Nations bodies was that the reports of Member States on the implementation of ILO conventions they had ratified were brought to the knowledge of all. The ILO's Constitution even stipulated that they must be published, but that was not always done because of lack of funds. The documents containing the comments by ILO's monitoring bodies were also available to all. Lastly, he was pleased to invite members of the Committee to visit ILO to examine the system of documentation relating to the implementation of conventions.

The meeting rose at 1.p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Second session

SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 1 October 1992, at 3.30 p.m.

Chairman: Mrs. BADRAN

CONTENTS

System of documentation and information (continued)

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GE.92-17738/17738 (E)

CONTENTS (continued)

Review of developments relevant to the work of the Committee (continued)

Consideration of information required under each section of the reporting guidelines (continued)

Organization of work (continued)

The meeting was called to order at 3.45 p.m.

SYSTEM OF DOCUMENTATION AND INFORMATION (agenda item 7) (continued)
(E/C.12/1991/SR.19 to 21)

MATTERS RELATING TO THE METHODS OF WORK OF THE COMMITTEE AND THE PRE-SESSIONAL WORKING GROUP IN RESPECT OF THE CONSIDERATION OF REPORTS TO BE SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 44 OF THE CONVENTION, INCLUDING:

(a) CONSIDERATION OF THE QUESTION OF TECHNICAL ADVICE OR ASSISTANCE, AND

(b) CONSIDERATION OF THE QUESTION OF AN INFORMAL TECHNICAL ADVISORY GROUP (agenda item 8) (continued)

1. Mrs. SANTOS PAIS stressed the great value of the in-depth discussion the Committee had just concluded at the ILO headquarters. She had also been particularly impressed by the fact that so many United Nations agencies had been represented at the Committee's previous meeting. The information they had given was much appreciated. It was to be hoped that in future they would continue to be present at the Committee's deliberations, since there was so much in common to discuss with a view to strengthening the system of implementing and monitoring the Convention on the Rights of the Child. For example, it had been extremely interesting to note how article 7 of the Convention, on the right to a name, was linked with the activities of WHO and how different agencies were dealing with the question of child labour. Such matters could come up at any time.

2. There was a relationship between the rights of the child and the activities of the specialized agencies. At the implementation level, technical assistance programmes might play a crucial role, as might advocacy and training. In fact, the work of staff members of the various agencies might be reformulated to enable them to contribute to the implementation of the Convention within their official mandates by assisting with the dissemination of information on the links between the Convention and the mandates of their organizations, the work of the Committee, and ways of enhancing public awareness so that national and local communities could make an active contribution to the implementation of the Convention. One area in which awareness could be enhanced was the preparation and timely submission of country reports in accordance with the Committee's guidelines. A need also existed to build up national capacities to deal with children's rights. In that respect it might be possible to establish a bridge between the Committee, the agencies and the national community. It would be interesting to know how United Nations agencies ensured that their technical assistance programmes were evaluated at the country level and how they were followed up. The success of the technical advisory group depended upon it being informal. It would be important to consider how the group could operate, especially in relationship to the pre-sessional working group.

3. The representative of UNDP might wish to give the Committee some information concerning the Programme's experience with its new political freedom index and indicate whether UNDP offices, which were to be found in some 120 countries, could be used for the dissemination of the Committee's reports,

country reports and the relevant summary records in countries where there was no United Nations information office.

4. Mr. Kolosov had drawn attention to the fact that international cooperation was not reflected in the guidelines. The question was, however, dealt with in various parts of the Convention, primarily in article 45, but also in articles 21, 23, 24, 28 and others containing a formulation concerning the need to encourage international cooperation, which States parties ought to take into account in preparing their reports. Consequently, at the moment there was no need to include a new paragraph on the subject in the guidelines.

5. Mr. BONEV (United Nations Development Programme) expressed his confidence that the Administrator of UNDP would try to help the Committee with the dissemination of information. A human freedom index had been included in the Programme's human development report for the past three years. Not all Governments were happy with that arrangement and there had been some criticism. The Administrator, however, was insisting that considerable poverty existed because limitations on the initiative of individuals were restricting socio-economic development. During the cold war, human rights had been almost a taboo subject in UNDP, but that was no longer the case.

6. Mr. BELSEY (World Health Organization), referring to his organization's mechanisms for evaluating technical assistance activities at the country level, explained that WHO had moved away from the concept of technical assistance, which was now termed "technical collaboration", with WHO acting as broker. Every three years, Member States were called upon to report their progress in implementing the Strategy for Health for All by the Year 2000 in accordance with a set of indicators which he had made available to the United Nations Secretariat. Some World Health Assembly resolutions required Member States to report periodically on specific issues such as AIDS and immunization. Country reports were prepared by Member States themselves, not by WHO, and many of them were reviewed and evaluated by the regional committees. External ad hoc reviews were also undertaken by experts from other agencies. Moreover, every WHO programme was expected to evaluate itself every two years.

7. Mr. MOMBESHORA, addressing the representative of ILO, said that child labour was more of a problem in developing countries with very weak economies. Consequently, it was extremely difficult to monitor and enforce labour laws. On that particular matter the Committee would be relying on information from ILO and he therefore wondered whether ILO, when it measured a country's level of unemployment or of child labour, relied on official information from the Government or from the industry concerned. If there was any violation of the labour laws and employment of under-age children, employers would naturally be reluctant to report it, taking advantage of the situation to provide only short-term employment and to pay lower wages. Thus the employees concerned were unlikely to be officially recorded. Only an independent assessment could establish the level of abuse.

8. In countries with a mainly rural population, most agricultural work was not recorded and persons under the age of 18 often accounted for almost 50 per cent of the total. How was it possible to assess the number of under-age persons

working in agriculture? Some guidance on the kind of question the Committee might put to States parties in order to elicit the required information would also be appreciated.

9. Mr. SWEPSTON (International Labour Organisation) replied that the problem of child labour was very difficult because people did not report illegal acts. ILO was trying to devise ways of obtaining statistics on the subject. The situation was further complicated by the fact that increasingly larger portions of national economies were informal or unstructured and consequently outside government control. Hence the statistics supplied were not always reliable. In any case, it should be borne in mind that, while the Convention on the Rights of the Child defined a child as a person under 18 years of age, ILO conventions gave different ages for different circumstances. Some 10 years previously, ILO had conducted a survey of child labour, which was difficult to suppress. Sometimes extralegal measures were effective, such as reporting by neighbours or strong family influences.

10. It was very difficult for Governments to measure the size of the informal economy. Rural areas were often outside effective government control, with few labour inspectors and insufficient police. ILO dealt with that problem to some extent by allowing Governments to exclude from the operation of a convention those parts of its territory where it was impossible to apply the convention's provisions, as in the case of Brazil, for example.

11. Mr. BELSEY (World Health Organization) said that WHO also had provisions whereby subregional reporting could be limited to areas where data collection was known to be reliable. The Committee might find it useful to adopt the so-called creative use of methods of analysis, collecting information from various sources and working it into a single statement, for example, combining birth data and school data to give an approximation of the number of children in the labour sector.

12. WHO had been able to conclude, on the basis of ILO data concerning numbers of working children, that there were age-specific occupation-related deaths, and had calculated that the risk of dying in the 5 to 9 and 10 to 14 age groups was sometimes as much as 10 times higher than among adults in the same country, largely because workplaces and work instruments had not been designed for children, who were consequently at greater risk. That type of combined information, which might best be elucidated through an informal working group, would enable the Committee to identify problems in a given country at an early stage and draw them to the attention of the Government.

13. Mr. HAMMARBERG said that the Committee had learned a good deal from the representatives of the specialized agencies and from the study visit to ILO. It appeared that it would be extremely valuable for the Committee to combine a country-by-country approach with a thematic approach in order to draw maximum benefit from the contributions from the relevant specialized agencies. It was also important to take the time to discuss the major themes that would arise in the consideration of country reports, in order to ensure a fruitful discussion with reporting Governments.

14. On the subject of indicators, the Committee seemed to agree that, in spite of all the difficulties involved it should follow discussions in other treaty bodies and agencies to see what benefit and guidance might be gained for assessing the implementation of some of the articles of the Convention. It also appeared to agree that one or more members should attend the seminar on social and economic indicators in December 1992 and report back to the Committee.

15. As to a technical advisory group, the Committee should invite representatives of the specialized agencies to its meeting in December 1992, which might in part be seen as a technical advisory group meeting. It would be a key event for the Committee and would need careful preparation, the specialized agencies and NGOs being notified well in advance to enable them to make a proper input. The Committee would then evaluate the results of the meeting and hope to be able to find the right format. The question of technical assistance could be tackled when discussing country reports in the technical advisory group, in view of the problems associated with article 45 (b) of the Convention. Any conclusions which might be drawn would then be mentioned in the Committee's final observations on the States parties' reports.

16. The question of information and documentation should be given extensive coverage in the Committee's report. The Committee should first of all express its dismay at the slow pace of computerization and of building up an information system within the Centre for Human Rights. It should mention that the only achievement so far had been an appeal to Governments to contribute to a voluntary fund from which the first stage of computerization would be financed. The Committee should then include its own appeal to Governments to respond to the earlier appeal, so that the computerization process could get under way. It might also recommend that the forthcoming meeting of chairpersons of treaty bodies should attach high priority to the issue of information and documentation systems and make concrete proposals. Again, a recommendation might be made that the meeting should specify the type of information and the facilities which the Centre was being asked to provide. In addition, a proposal should be put forward regarding cooperation between the Centre and the specialized agencies with a view to making the entire network effective both in relation to the Committee and to other treaty bodies. Lastly, the Committee should reiterate its proposal for a resource room for the treaty committees, a facility which should be regarded by the United Nations as an essential service.

17. Miss MASON said that the question of statistical information was still a problem, particularly since figures could be used to serve almost any purpose. It was difficult to decide whether the Committee should use figures provided by a reporting Government or those from other sources. The Committee had been set up not to act as a police body but rather to ensure that the provisions of the Convention were implemented.

18. Mr. KOLOSOV wondered whether some mechanism could be devised, as the time for considering country reports drew near, for facilitating cooperation with specialized agencies and NGOs to make sure that information could be exchanged efficiently and inexpensively, and prevent undue loss of time and errors of judgement through lack of immediate contact with specialized agencies or NGOs during inter-sessional periods.

19. Mrs. SANTOS PAIS suggested that, in that connection, the secretariat might be able to report on the experience of other treaty bodies, such as the Committee on Economic, Social and Cultural Rights. A certain precedent had already been established which the Committee could use.

20. When the Committee had previously discussed its approach to States parties' reports, one of the options before it had been to appoint country rapporteurs, but it had been pointed out that, in view of the wide range of issues covered by the Convention, it would be very difficult for any one person to have the requisite in-depth knowledge. Since the Committee was multidisciplinary and well balanced in terms of the numbers of men and women members, a working group might be more useful than country rapporteurs, and ensure that no undue pressure was placed on any one individual. Furthermore, the pre-sessional working group could study the various country reports for the next following session and, at the same time, consult other expert bodies for the purpose of drafting an appropriate list of questions for government representatives.

REVIEW OF DEVELOPMENTS RELEVANT TO THE WORK OF THE COMMITTEE (agenda item 4) (continued)

21. The CHAIRMAN invited the representative of the International Criminal Police Organization to address the Committee.

22. Ms. MANKE (International Criminal Police Organization) said that, subsequent to the adoption of the Convention on the Rights of the Child, a resolution had been passed by the General Assembly of ICPO/Interpol that its General Secretariat should carry out a study in collaboration with the appropriate United Nations bodies with a view to proposing measures to improve international cooperation in matters pertaining to offences against minors.

23. Most offences committed against children, such as maltreatment or sexual abuse, were not international per se, and hence Interpol was rarely provided with relevant information. Furthermore, offences of a more international nature, such as trafficking in children for adoption purposes and child pornography, were scarcely ever reported to the General Secretariat, possibly because the information was communicated bilaterally and possibly also because of a lack of awareness or interest on the part of some member countries. The General Secretariat was endeavouring to obtain as much information as possible from other sources, such as NGOs and the media, in order to gain a clearer picture of the situation, and to that end had prepared a questionnaire which had been circulated to member countries. Replies had been received from 53 members, and had been studied by specialists from different countries and officers from Interpol's General Crime Group, who had together produced a set of recommendations. The recommendations had been discussed at the First Symposium on Offences against Children and Young Persons, held in Lyon in April 1992, which had been attended by representatives of the Centre for Human Rights. The Symposium's conclusions and recommendations were now before the Committee. If the conclusions and recommendations met with the approval of Interpol's General Assembly, member countries would be asked to take whatever action was necessary. To that end, a proposed standing working party, consisting of experts and police officers, would assist member States.

24. The conclusions fell into two parts, namely preventive measures and law enforcement measures, and the general considerations contained a direct reference to the Convention on the Rights of the Child. The experts had called for United Nations collaboration in statistical matters by recommending that international child victim statistics be published in a form combining both international police statistics and statistics provided by the United Nations. In that connection, the statistics published by UNICEF would be extremely useful, as would any produced by other United Nations bodies. In addition, the Interpol General Secretariat had been asked to discuss jointly with experts and with the United Nations how crime statistics might best be used. United Nations cooperation was also sought in matters relating to the prevention of crimes against children and in examining the possibilities of cooperation in the training of police officers.

25. A further area for United Nations cooperation was in victim assistance, and the General Secretariat had been asked to consider the possibility of organizing an international victim conference in collaboration with the United Nations. Lastly, the General Secretariat had been requested to cooperate with the United Nations and other competent bodies in determining measures for dealing with cases involving missing children. The Committee was invited to consider whether it might be able to cooperate in any of the areas mentioned.

26. Mr. KOLOSOV wondered whether Interpol was competent to deal with crime against children in general, since its essential function was to combat international organized crime. He feared that the activities mentioned might duplicate the efforts of the Committee on Crime Prevention and Control and other competent United Nations bodies.

27. Ms. MANKE (International Criminal Police Organization) replied that, under article 2 of its Constitution, Interpol was required to ensure the widest mutual cooperation possible, something which would allow for the activities that were envisaged. In any case, Interpol dealt with all forms of crime, with the exception of crimes of a racial, religious or military nature.

28. When Interpol had launched the initiative, it had been surprised at the dearth of information on the subject and had therefore sought the cooperation of its member States and the relevant United Nations bodies. Furthermore, the meeting of experts held at the Interpol General Secretariat had also recognized the need for an international victim conference as well as the establishment of international statistics.

29. Mr. GOMES DA COSTA inquired what Interpol's position was on the manipulation of children for criminal activities such as drug trafficking.

30. Ms. MANKE (International Criminal Police Organization) replied that Interpol had adopted a resolution on the subject in 1991, requesting member States to deal more severely with those who involved children in such criminal activities. Although the conclusions did not specifically refer to the manpulation of children, there were several references to children as victims of such situations.

31. Mrs. SANTO PAIS said it was clear from the Symposium's recommendations that Interpol shared many of the Committee's concerns about offences against children. She was particularly pleased to note that it had acknowledged the importance of the Convention on the Rights of the Child in that regard. More importantly, Interpol had stressed the need for multidisciplinary cooperation in order to combat crime against children, a view held by many other human rights treaty bodies. It was interesting to note the recommendations on police structures, and in particular the suggestion that specialist liaison officer should be appointed by national police forces, something which was in keeping with the provisions of article 40 of the Convention. She welcomed the recommendations on possible cooperation or liaison with the United Nations on a number of issues, including the establishment of useful crime statistics and the training of police officers.

32. Mr. HAMMARBERG said that, although the Symposium's recommendations appeared to be directed at other bodies within the United Nations system, there were many areas of common concern which justified some form of cooperation with the Committee and certainly the presence of an Interpol representative at future meetings.

33. An area in which Interpol could play a vital role was in raising moral standards among police officers. It was an irrefutable fact that, in some countries, police officers were actively involved in the repression of children and ignored offences against the young, such as drug trafficking and child prostitution. Codes of ethics for police officers did exist and attempts had already been made to improve the situation, but greater efforts along those lines were needed.

34. Other types of offences against children were reported and required further research and substantiation, such as the sale of children for organ transplants. He was aware that the Norwegian authorities had greatly appreciated Interpol's collaboration in its inquiries into child prostitution. He wondered whether Interpol would be able to assist the Committee in its work by conducting or coordinating further research into such offences.

35. Ms. MANKE (International Criminal Police Organization) stressed that the recommendations had been drafted with the Committee in mind too, and that Interpol stood ready to cooperate wherever possible. In reply to Mr. Hammarberg's question, she pointed out that Interpol itself did not carry out research; it had merely identified problem areas requiring further research as one of the priorities its member countries should take into account. It was hoped that the United Nations might initiate activities in that area.

36. Mr. GOMES DA COSTA said he concurred with the view that cooperation with Interpol would be desirable. Interpol could greatly assist the Committee in two key areas. First, it should do its utmost to ensure that police officers treated children involved in criminal activities no differently from other children. Second, he hoped that it could bring its influence to bear in improving training standards among police officers, thereby ensuring that their actions were in accord with the provisions of the Convention.

37. Ms. MANKE (International Criminal Police Organization) said she agreed on the need to recognize the plight of children who were victims of criminal activities. She assured Mr. Gomes da Costa that she would bring the points he had raised to the attention of the standing working party at its forthcoming meeting. Another document was also to be submitted to Interpol's General Assembly on criminal activities involving children.

38. Mr. KOLOSOV said that cooperation with Interpol would be particularly useful in the field of statistics. However, he was not certain that the Committee, as a United Nations treaty body, was competent to agree whether such cooperation would be possible there and then. None the less, as individuals, members of the Committee would be willing to participate in Interpol initiatives, particularly with regard to training. Lastly, he enquired what was meant by statistics "in a form combining both international police statistics and statistics provided by the United Nations".

39. Ms. MANKE (International Criminal Police Organization) said that, unfortunately, the crime statistics compiled by law enforcement agencies did not reflect the true situation. For instance, experts estimated that 95 per cent of offences against minors were never reported. Since other statistics were compiled by independent bodies such as non-governmental organizations, it was hoped that by combining the official and non-official statistics a more accurate picture of the crime situation would emerge. The United Nations might wish to undertake such a project, for it had links with the non-governmental organizations.

40. Mgr. BAMBAREN GASTELUMENDI said he welcomed the recommendations on the training of police officers but wondered what the likelihood was of those recommendations ever becoming effective.

41. Ms. MANKE (International Criminal Police Organization) said that the recommendations were not binding on the members of Interpol, but an attempt had been made to ensure that they did not remain a pious hope by the establishment of a standing working party, which it was hoped would make concrete proposals and establish training courses for police officers.

42. The CHAIRMAN thanked the representative of Interpol for having addressed the Committee. Clearly, members believed that there could be useful cooperation between Interpol and the Committee, both on information and statistics and on other matters.

CONSIDERATION OF INFORMATION REQUIRED UNDER EACH SECTION OF THE REPORTING GUIDELINES (agenda item 9) (continued) (CRC/C/5)

Section II. Definition of the child (paragraph 12)

43. Mr. KOLOSOV said that information provided by State parties concerning the definition of the child, including the age of attainment of majority and the legal minimum ages for various purposes would be an essential part of the reports. However, not all the indicators required from Governments were regulated by law: many matters fell under by-laws. As regards alcohol

consumption, for instance, there might even be differences within one country depending on municipality.

44. The Committee had to decide whether it should recommend that, in the light of the obligations assumed by States parties under the Convention, all such matters should be subject to specific legislation at national level. For instance, if a report revealed that there was no law prohibiting hazardous employment or voluntary enlistment of children into the armed forces, should the Committee recommend the adoption of such a law?

45. Mr. HAMMARBERG said he assumed that the Committee would have to be satisfied with the report on the current situation in a country. The questions in the guidelines had been included as a basis for discussion of other articles, but Governments could not be required to set ages for the various activities mentioned since the Convention did not specify them.

46. Mrs. SANTOS PAIS said that the guidelines merely gave examples of activities in which the person's age was important. However, it was important to have specific answers about the age at which capital punishment and life imprisonment were applicable (article 37 of the Convention), the minimum age below which children were presumed not to have the capacity to infringe the penal law (article 40), the recruitment of children into the armed forces (article 38), and the minimum age for admission to hazardous employment (article 32).

47. Article 1 reflected the two strands in the Convention, which considered a child both as a subject of rights he or she was expected to exercise, and also as a vulnerable human being deserving protection. It was important that protection should not be lost if the age of majority was too low. It would be interesting to learn whether States set a different age of majority for boys and girls and the reason for such a difference.

48. Miss MASON added that, if a State allowed marriage below the age of majority, the question would then arise as to whether the married person was a child for the purposes of the Convention and included in the statistics submitted to the Committee. The definition of the child varied from country to country, and none defined a person under the age of 18 as a child for all purposes.

49. Mr. GOMES DA COSTA said that he did not see the matter as a major problem. The Committee should examine the degree of compatibility between national legislation and the letter and spirit of the Convention as reflected in the actual situation of children.

50. Mrs. BELEMBAOGO said that, although article 1 of the Convention contained a broad definition of a child and, in effect, specified the age of majority, it did not say when a child's life began. It would therefore be useful if States parties could be encouraged to give information on how their national legislation defined a child. She was concerned at the possibility of laws for the protection of children being enacted without the necessary machinery to implement them. In such cases, the population would not know about the

legislation, which would thus remain a dead letter. A minimum age for marriage might be set in updated national legislation, but in some countries the people remained attached to customary law under which a girl might sometimes be married at birth or when she became nubile. It was important for the Committee to be informed of the machinery for implementing laws as well as about the legislation itself.

ORGANIZATION OF WORK (continued)

51. The CHAIRMAN said that, in accordance with its rules of procedure, the Committee had to decide whether or not to have a summary record for its closed meeting the following day. She took it that no record would be was required.

52. It was so decided.

The meeting rose at 6.05 p.m.

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Second session

SUMMARY RECORD OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 2 October 1992, at 10 a.m.

Chairman: Mrs. BADRAN

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GE.92-17741 (E)

The meeting was called to order at 10.15 a.m.

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

1. Mr. BLANCA (Under-Secretary-General for Human Rights) said that he attached particular importance to the efforts made by the Committee to improve the situation of children throughout the world and fully advance their cause. It was indeed a difficult task, one which concerned practically half - the most precious yet most vulnerable half - of mankind. The Committee, as the body to monitor implementation of the provisions of the Convention on the Rights of the Child, had an essential role both in determining the obstacles that prevented children from fully enjoying their rights and in pointing to possible solutions and helping to mobilize resources to cope with the needs. Since its first session, the Committee had already successfully performed a number of tasks and gained experience which it could turn to good use when it came to examine the first reports that States parties were required to submit under the Convention.

2. Reviewing a number of developments of interest to the Committee and connected with implementation of the Convention, he welcomed, first of all, the fact that the number of State parties had reached an impressive total of 123. The promptness with which such a large number of States had acceded to the Convention was a clear illustration of the international community's collective commitment to children and its sincere desire to protect and promote their rights. As to the various activities in connection with children's rights undertaken in the human rights field since the Committee's first session, he pointed out that, at the forty-sixth session of the General Assembly, the Third Committee had discussed the question of implementation of the Convention. In resolution 46/112, dated 12 December 1991, the General Assembly had supported the organization of the future work of the Committee on the basis of two sessions annually, each for a duration of two or three weeks, and the establishment of a pre-sessional working group. Moreover, at the request of the Assembly, the Secretary-General had convened a brief meeting of the States parties on 11 November 1992 to determine the duration of future meetings of the Committee.

3. At its forty-eighth session, the Commission on Human Rights had, in resolution 1992/75, taken note of the status of the Convention and called upon all States to become parties to it. It had also appealed to States parties that had made reservations to review the compatibility of their reservations with the provisions of the Convention. In addition, it had supported the recommendations contained in the Committee's report (A/47/41), in particular the organization of its work and the establishment of a pre-sessional working group. The Commission had also considered the new report submitted by its Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1992/55). The addendum (E/CN.4/1992/55/Add.1) reported on a visit by the Special Rapporteur, Mr. Vitit Muntarbhorn, to Brazil. In resolution 1992/76, the Commission had, among other things, endorsed the

Special Rapporteur's conclusions and recommendations concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography. It had also reaffirmed the need for establishing and ensuring the implementation of a legal framework aimed at effectively protecting children's rights, as well as providing appropriate remedies for children whose rights were violated, and had encouraged the establishment of bodies and institutions, governmental and non-governmental, acting on behalf of the child in the light of his or her best interests. The Commission had invited the Special Rapporteur to cooperate closely with the Committee.

4. At the same session, the Commission had adopted in resolution 1992/74 a programme of action for the prevention of the sale of children, child prostitution and child pornography, and had considered a draft programme of action for the elimination of the exploitation of child labour. It had, in addition, considered at that session the report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In resolution 1992/47, it had, among other things, recommended that the Committee on the Rights of the Child, when examining reports by the States parties, give particular attention to the implementation of the relevant articles of the Convention, with a view to combating contemporary forms of slavery. It had also invited all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups such as children against exploitation by prostitution and other slavery-like practices.

5. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-fourth session, had also discussed various questions relating to children's rights. It had, inter alia, considered Mrs. Bautista's report on the application of international standards concerning the human rights of detained juveniles (E/CN.4/Sub.2/1992/19). In resolution 1992/25, the Sub-Commission had expressed the wish that the Committee on the Rights of the Child be represented at the meeting of experts that the Secretary-General intended to organize in March 1993 on the application of international standards concerning the human rights of detained juveniles. Active preparations were going ahead for the World Conference on Human Rights, to be held in Vienna in June 1993. The Preparatory Committee for the World Conference had held its second session from 30 March to 10 April, and its third session from 14 to 18 September 1992. Moreover, three regional meetings were scheduled, in Tunis, in San José and in Bangkok. The Secretariat was preparing six studies on the objectives set by the General Assembly in its resolution 45/155. A number of ideas and concrete suggestions regarding the purpose to be achieved had already been put forward, more particularly in connection with the rights of children and strengthening the coordination between treaty monitoring bodies. The meeting of chairpersons of human rights treaty monitoring bodies would be held from 12 to 16 October 1992, in Geneva. The meeting would discuss measures for closer ties between the various monitoring bodies and better coordination of their work, in the context more particularly of the World Conference. It would doubtless examine the comments

and recommendations that the various bodies wished to transmit to the Preparatory Committee at its final session and to the World Conference itself. He wished to assure the Committee of the full support of the Centre for Human Rights and its secretariat.

6. Lastly, it should always be remembered that children were the men and women of tomorrow and that tackling the problem of the rights of children was quite simply a matter of dealing with human rights. Reality formed a whole, and the main tragedy lay in the social imbalances and in underdevelopment. The United Nations' hopes in the 1960s and 1970s of overcoming the stagnation the inevitability of underdevelopment seemed to grow dim. Resignation should be avoided, but a bureaucratic attitude to the situation should be avoided at all costs. The subject of children did not lend itself to bureaucracy or to mere expressions of indignation. Working for the rights of children meant going beyond mere obligations.

7. Mr. HAMMARBERG said that he greatly appreciated the statement by the Under-Secretary-General for Human Rights. He would none the less point out that article 43, paragraph 11, of the Convention on the Rights of the Child stated that the "Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention". Cooperation with the secretariat was indeed excellent, but Committee members were extremely concerned about the workload. The Convention had, in a very short period, been ratified by a large number of countries and the Committee should receive 57 reports from States parties in 1992 and 44 reports in 1993. From the most optimistic estimates, at least two meetings would be needed for each report and, at that rate, the backlog might be such that the last report to be submitted in 1992 would not be considered before 1996. Members of the Committee hoped that States parties, at their meeting to be held in November 1992, would decide to grant the Committee two sessions a year, each lasting three weeks. Moreover, the Committee's working conditions should be improved so that it had increased assistance from the secretariat, including assistance in the matter of analytical work, and in the fields of computerization and systematic information. He realized that the secretariat was undoubtedly called on in the same way by all of the treaty monitoring bodies, but it should be remembered that the Committee on the Rights of the Child was the only committee to deal with a whole range of human rights: economic, social, political and civil, and it was also the only one which had to deal with technical assistance issues.

8. Mr. BLANCA (Under-Secretary-General for Human Rights) said he realized that the budgetary, staffing and accommodation problems facing the United Nations affected the work of the various committees, working groups and special rapporteurs. The question therefore lay with the Secretary-General, who was himself now grappling with the overall problems of financing. The solutions were of course clearly tied in with the commitment by Member States and in particular, by the industrialized countries, which should take up the responsibilities they had entered into by joining the United Nations. The

current budget of the Centre for Human Rights accounted for 0.8 per cent of the budget of the Organization. If it did not increase, no miracle could be expected. Mr. Boutros-Ghali, the Secretary-General of the United Nations, had issued instructions for an increase in the budget and for posts to be created in the Centre for Human Rights. However, everyone was aware that things were not done speedily in the United Nations and, in difficult times, the finance department tended to be slow in following the Secretary-General's instructions. Nevertheless, five provisional posts had been created for the activities connected with Yugoslavia and a further 11 posts would be established by the end of the year, something that would definitely improve the situation. He wished to assure members of the Committee that he was entirely on their side, but would none the less point out that no one could do the impossible.

MATTERS RELATING TO THE METHODS OF WORK OF THE COMMITTEE AND THE PRE-SESSIONAL WORKING GROUP IN RESPECT OF THE CONSIDERATION OF REPORTS TO BE SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 44 OF THE CONVENTION, INCLUDING;

(a) CONSIDERATION OF THE QUESTION OF TECHNICAL ADVICE OR ASSISTANCE (agenda item 8)

9. The CHAIRMAN invited Mr. Gomez del Prado to present to members of the Committee the programme of advisory services and technical assistance in the field of human rights.

10. Mr. GOMEZ DEL PRADO (Secretariat) said that, under the programme, the Secretary-General provided requesting governments with the following forms of assistance in the field of human rights: advisory services of experts; fellowships and scholarships; and seminars. At the present time, emphasis was placed on creating and strengthening national infrastructures to promote and protect internationally recognized standards in the field in question. If the Committee considered that a country's legislation on children should be modified, it could advise the State concerned to ask for legal assistance in doing so. Similarly, a State experiencing difficulties in drawing up its reports or in ratifying the Convention could ask for advice from the Centre for Human Rights.

11. The Convention on the Rights of the Child now held a large place in the Centre's training courses. The Centre had also published a Fact Sheet (No. 10) on the rights of the child and it helped States parties that so wished to translate the text of the Convention into their national languages. The Centre was now endeavouring to adopt an overall approach. In collaboration with the authorities of the country concerned, it appraised needs in legislation, training and the preparation of reports and then drew up a plan of action which it transmitted to other international institutions or to donor countries likely to take part in it. The Centre for Human Rights itself could also implement some of it. Moreover, it would be advisable for the Committee to prepare for States parties precise guidelines on changing laws, on training and on the preparation of reports. Lastly, despite the

limited means available to it, the Centre for Human Rights was currently carrying out 25 projects throughout the world to set up and strengthen national structures to promote and protect human rights.

12. Mrs. SANTOS PAIS asked whether there was any intention to translate the Centre's Fact Sheet No. 10, on children's rights, into languages other than English, Spanish and French, and to add to the Manual on Human Rights Reporting a chapter about the Committee on the Rights of the Child and its guidelines. When the Manual had been prepared, the Committee had not been in existence. The fact that some of the topics covered by the Committee were included in the training courses organized in the context of the advisory services was highly positive. As to the fellowship programme, it would be advisable for the Centre for Human Rights to issue more precise guidelines on the questions that the fellows were supposed to study.

13. Mr. HAMMARBERG asked whether the Centre for Human Rights could respond to requests for assistance, in view of the resources available to it.

14. Mr. KOLOSOV said that, since only a very limited number of fellowships were granted by the Centre, efforts should be made to ensure that the recipients could effectively pass on their skills to their colleagues. In short, the fellowships should not simply increase the knowledge of the fellows concerned. They should be of benefit to the country as well. He would like to know, in that connection, whether fellows were required to report to the Centre for Human Rights on their activities.

15. Mrs. EUFEMIO said she wondered whether training costs might not be cut by incorporating in one and the same course the various human rights conventions that had been ratified so far, including the Convention on the Rights of the Child. All those instruments had common features.

16. Mr. GOMEZ DEL PRADO said that Fact Sheet No. 10 on the rights of the child had already been translated into the six official languages of the United Nations and the Centre for Human Rights helped countries which so requested to translate it into the national language. The Centre granted fellowships not only under the regular fellowship programme, which was very general, but also for specific training activity under the country programmes. For example, training activity had been carried out in Romania in connection with constitutional law and the administration of justice. He had taken note of the proposal by Mrs. Santos Pais for the Manual on Human Rights Reporting to include a chapter on the Committee on the Rights of the Child, a proposal that seemed highly relevant.

17. In reply to Mr. Kolosov's question, he said that training activities and fellowships did not always produce the expected effects; persons who had received training often remained only a few years in their posts and did not sufficiently share their expertise with other members of their administrations. As Mr. Hammarberg had said, the opportunities afforded by technical assistance and advisory services could be better publicized.

Nevertheless, the Centre for Human Rights, due to the lack of financial and human resources, could not respond to all requests at the present time. Rather, it sought tó concentrate essentially on evaluation of country needs and on assistance in legal matters - training legal personnel, legislation, help in preparing reports, and so on. For the rest, it referred States to the specialized agencies that were in a position to provide them with technical aid and had the resources to do so. At the present time, two experts were on mission, one in Mongolia and the other in Sao Tome and Principe, to evaluate their needs.

18. Mr. KOLOSOV said he wondered whether, to ensure some monitoring of the work of fellows, it might not be possible to include in the fellowship application form a clause whereby the candidate would undertake to report to the Centre for Human Rights for at least five months on his activities in his own country on completion of his fellowship or period of training. In that way, States would be encouraged to keep a watch on the impact of the training received by their nationals.

19. Mr. GOMEZ DEL PRADO (Secretariat) said that Mr. Kolosov's suggestion was an interesting one, but the fellowship application forms were not prepared by the Centre for Human Rights. The Centre was none the less informed of the activities of the fellows, who were asked to submit reports, and of persons who had attended a training seminar, who were seen again in the course of visits made to the countries concerned. Persons who had been awarded fellowships or attended training programmes were now often found in national human rights structures, which were being set up by an increasing number of States.

20. The CHAIRMAN warmly thanked Mr. Gomez del Prado for the information he had provided on advisory services and technical assistance.

OTHER MATTERS (agenda item 14)

21. Mr. DYER (The Hague Conference on Private International Law) said that the Conference was a small organization with its headquarters at The Hague, in the Netherlands, and had been working for 40 years in the preparation of conventions in the field of private international law. A number of the conventions sought to protect and promote the interests of children. The conventions in force had for the most part been elaborated in the 1950s to help determine child support obligations. Two of the conventions had been revised in 1970 and also included adult support obligations, but they were aimed essentially at protecting the interests of children, in the spirit of article 27 of the Convention on the Rights of the Child. More recently, in 1980, the Conference had elaborated a Convention on the Civil Aspects of International Child Abduction, in force in 26 countries which had appointed a central authority to defend the interests of children who had been unlawfully displaced from one country to another. The Convention was akin to article 11

of the Convention on the Rights of the Child, which stipulated that countries should combat the illicit transfer of children and promote the conclusion of bilateral or multilateral agreements or accession to existing agreements. The Hague Conference was now working on a new convention to protect children in the context of inter-country adoption. It was a civil, not a penal, treaty and should be completed by 1993. It was in the spirit of article 21 of the Convention on the Rights of the Child.

22. Mrs. EUFEMIO said it was her impression that the future convention on inter-country adoption favoured national adoption over inter-country adoption. Was her impression correct?

23. Mr. DYER (The Hague Conference on Private International Law) said that the draft convention on inter-country adoption had been completed in March 1992 and would be submitted to a diplomatic conference in 1993. That conference might make further changes in the text of the convention, but it was already apparent from the explanatory report that the draft recognized the so-called subsidiarity principle, in other words, adoption in the country of origin was preferable to inter-country adoption. Inter-country adoption should only be the last resort.

24. Mrs. SANTOS PAIS said that she would like to have some information on the process for drafting conventions in the context of The Hague Conference.

25. Mr. DYER (The Hague Conference on Private International Law) explained that The Hague Conference, which had been a small European organization in the 1950s, had become a worldwide organization. It now had 38 members. In the preparation of the convention on inter-country adoption of children, The Hague Conference had taken the view that the topic was of major interest for a number of countries. It had invited more than 20 non-member countries to participate in its work on the subject, on an ad hoc basis. He hoped the convention would reflect that balanced work and would be compatible with the standards in every country in the field in question.

26. Mr. GOMES DA COSTA said he would like to know what the preliminary version of the convention said in connection with the agencies which acted as intermediaries between the developed countries and the third world countries.

27. Mr. DYER (The Hague Conference on Private International Law) said he was not quite certain that he had understood the question. If it related to the provisions of the convention concerning agencies which worked as intermediaries in inter-country adoption, the convention included a chapter that was a very delicate compromise on that point. The convention stipulated that such agencies could be authorized in different countries, but none of them had the right to act in a country without express authorization. They were what one might call "accredited" agencies in inter-country adoption. The

participation of professionals, lawyers, notaries and perhaps even certain doctors was another delicate point. The convention authorized such professionals to take part in the adoption process provided they did not take over the function of the country's central authority. But there again, every country could refuse to grant authorization to professionals and give priority to accredited agencies. Each country therefore determined of its own accord the extent to which it agreed to participation by accredited agencies or other intermediaries in the process of inter-country adoption.

28. Mgr. BAMBAREN GASTELMUNDI said it was gratifying that there were government-recognized official agencies to safeguard the value of such a noble act as adoption. He asked Mr. Dyer about illegal adoption and about the implementation of article 21 (e) of the Convention on the Rights of the Child, which provided for the conclusion of bilateral and multilateral arrangements or agreements to guarantee the requisite protection for the child.

29. Mr. DYER (The Hague Conference on Private International Law) said in connection with illegal adoption that the Conference did not deal with matters of criminal law as such. The convention was not intended to imprison persons responsible for illegal adoption. Each country should appoint a central authority to cooperate with other countries and determine whether the requirements of the convention were met. Such an arrangement could definitely eliminate illegal adoption by bringing the adoption process out into the open. Since it was kept informed, each country would simply have to contact the other countries. To that end, the convention provided for a process of inter-governmental cooperation to protect children. As to article 21 (e), he had not understood the question but hoped that his comments on cooperation between governmental authorities partly answered Mgr. Bambaren Gastelmundi's concern.

30. Mrs. MUELLER (Pathways to Peace), speaking on behalf of a number of non-governmental organizations, said she wished to express support for the Committee in an arduous and immensely responsible task and assure it that the organizations would help as far as they were able. She knew from experience that many young people also wanted to contribute to the Committee's work. Among the younger generation there were more and more people who wished to be told what was happening and have their voices heard. She hoped that, when the Committee came to consider country reports, it would insist that children should be heard and understood, emphasizing that they had something to say about the situations that affect them. The Committee could also pass on information to children and young people, for in all countries more and more of them were taking action to secure recognition of their rights. She cited, as an example, the case of a young Argentine who had met the Director-General, Mr. Blanca, to ask him a number of questions.

31. Mr. MOMBESHORA said he was touched and gratified by Mrs. Mueller's enthusiasm, which was a great encouragement to the Committee. He none the less wondered how, when so many NGOs were taking action with boundless dedication, some countries still had not ratified the Convention on the Rights of the Child.

32. Mrs. MUELLER (Pathways to Peace) said that, to begin with, there were many NGOs established in countries which had ratified the Convention. In her own country, the United States of America, which had not ratified it, Pathways to Peace, as well as other organizations, were bringing unceasing pressure to bear, and still more during the present run-up to the election, on United States political leaders. She hoped that their efforts would soon be crowned with success.

33. Mr. HAMMARBERG said he wondered whether the Committee should have direct contacts with children. It should indeed avoid falling into the trap of bureaucracy and speaking of their rights without ever taking an interest in children themselves. Nevertheless, he feared that by inviting young people to speak before the Committee, by producing a certain juvenile atmosphere, the Committee might have a good conscience, but young people would simply play a walk-on part. The best thing for the Committee would be to communicate with children and adolescents through NGOs. The Committee had already shown that it was open to broad cooperation with non-governmental organizations, and children could and should make themselves heard through them.

34. Mrs. MASON said that children, the prime subject of the Convention, should play a full part in the Committee's work. It might be advisable later to envisage the adoption of a protocol, whereby they could transmit communications. For the moment, it was essential for the Committee to remain open and human and not to close off any participation by children, at any level.

35. The CHAIRMAN extended an invitation to speak to the representative of a group of students from a United States school who had been present during the Committee's work throughout the week.

36. Mr. RUBINSTEIN (Branson School) thanked members of the Committee for their work to help children and assured the Committee that a large number of organizations and young people were ready to support it and work with it.

37. Mrs. SANTOS PAIS said it was gratifying that a group of young people had followed the Committee's work with interest. Perhaps the Committee could in future, where its working methods allowed, again ask young people to respond to its activities. In that regard, under article 42 of the Convention States parties undertook to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

38. Mr. DYER (The Hague Conference on Private International Law) said that he had recently studied some 150 court decisions, from all over the world, on adoption. It seemed that many judges had taken account of the child's opinion when the child was sufficiently mature. He wished to inform members of the Committee that arrangements had been made to hold a meeting in January 1993 in The Hague on the implementation of the Convention on civil aspects of international abduction of children, and he hoped that the Committee would be represented by one of its members. He feared, however, that it might not be possible owing to the timetable. He, too, was examining ways in which children's opinions could be properly expressed at the meeting.

39. Mgr. BAMBAREN GASTELUMENDI pointed out that Committee members spoke with States, but above all they should heed children and act to serve them.

The meeting rose at 1.05 p.m.